

REMARKS

The last Office Action has been carefully considered.

It is noted that the claims are rejected under 35 U.S.C. 103(a) over the U.S. patent Frees in view of the U.S. patents to Schneider and Weigelt.

Some claims are also rejected as above, and further in view of the U.S. patents to Curkendall and Rothkopf.

After carefully considering the Examiner's grounds for the rejection of the claims over the art, applicants cancelled the original claims and submitted a new set of claims including claim 40, the broadest claim on file, and claims 41-51 which depend on it.

It is respectfully submitted that the new features of the present invention which are now defined in claim 40 are not disclosed in the references and could not be derived from them as a matter of obviousness.

Claim 40, the broadest claim on file, specifically defines a system based on an electronic data exchange, which comprises the following elements:

a plurality of users exchanging data via at least one data exchange system and including providers and receivers of information,

wherein a user or a group of users of at least one data transmission network generate as providers required information according to specific standards,

said required information that is generated according to the specific standards is retrievable and/or editable by the users functioning as the receivers of the at least one data transmission network in a manner that is adjusted to the need of the particular user,

wherein one or more of the providers offer the needed information in a form of services to a large number of the receivers with the needed information having been adjusted to the needs of the particular receiver,

wherein groups of the providers advertise their services to one another and make them available in a retrievable manner,

wherein the needed information which is made available from the providers in the form of services is offered to a particular receiver and/or a group of the receivers in a timely manner and such that a content is adjusted to information needs of the particular receiver, and the service offered by the provider to answer a question posed by the receiver includes obtaining information that the receiver has not expressly requested, but that increases a quality of the service offered to the receiver by the provider.

It is respectfully submitted that when the system based on an electronic data exchange is designed in accordance with the present invention includes the above mentioned specific features of the present invention, it provides for a highly advantageous results in that it generates information according to the needs or requirements of the users, and the information can be used and edited by the users of the data exchange system serving them. The users requesting information can operate as both receivers of information and providers of information, so that data exchanged between users can be used and edited by the users.

The system based on electronic data exchange in accordance with the present invention is highly efficient and superior to the existing systems.

Turning now to the Examiner's grounds for the rejection of the claims over the art, it is respectfully submitted that none of the references applied by the Examiner; neither the Frees reference, nor the Schneider reference, nor the Weigelt reference disclose all features of the present invention which are now defined in claim 40.

Applicant thoroughly reviewed the Examiner's grounds for the rejection of the claims of the references. It is respectfully submitted that none of the references not only does not disclose all features of the present invention but

does not provide any hint, suggestion or motivation for combining the references and/or arriving at the applicant's invention.

It is well known that as defined for example in re Fritch, 23 USPQ 2d, 1780-1783-84 (Fed Cir 1992):

"Obviousness can not be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination"

There are no teachings in any of the references which could support the combinations of the references suggested by the Examiner.

It is further stated for example in Interactive Techs Inc., V. Pittway Corp., Civ. App. No. 98-1464, Slip Op and 13 (Fed Cir June 1, 1999), that:

"A general relationship between the fields does not suggest a motivation to combine references"

In other words there are definitely no hint, suggestion or motivation to combine the references as proposed by the Examiner.

The combination of the references can be amounted only to taking individual features of the references and combining them in piecemeal fashion in

a manner which in the Examiner's opinion would be obvious, which is definitely not so.

It should be further emphasized that, in order to arrive at the present invention from the references, it is not sufficient to use the teachings of the references, but instead the references have to be fundamentally modified in a way which was not disclosed in the references, in order to arrive at the new features which were first proposed by the applicant only. However, it is known that in order to arrive at a claimed invention, by modifying the references cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in *re Randol and Redford* (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

The references do not contain any hint or suggestion for such modifications.

In view of the above presented remarks and amendments, it is believed that claim 40, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 40, they contain their features, which in combination with the features of claim 40 also clearly and patentably distinguish the present invention from the prior art applied by the examiner.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', is written over the typed name.

Michael J. Striker
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